

THE BOARD OF EXAMINERS OF PSYCHOLOGY MINUTES

November 5, 2004

A regular meeting of the Board of Examiners of Psychology was held at the Galt House Hotel, 140 N 4th Street, Louisville, Kentucky on November 5, 2004.

MEMBERS PRESENT

Henry S. Davis, Ph.D., Vice Chair
Andrew A. Meyer, Ph.D.
Diane Sobel, Ph.D.
Richard Applegate, M.A.
John Runyon, M.S.
Barbara Kay Jefferson, Ph.D.
Andrew B. Jones, Jr., Ph.D.

OCCUPATIONS & PROFESSIONS STAFF

John Parrish, Director
Wendy Satterly, Board Administrator
Judy Jennings, Board Administrator

OTHERS PRESENT

Mark Brengelman, Assistant Attorney General

MEMBERS ABSENT

S. Abby Shapiro, Ph.D.
Ruth Bauman

CALL TO ORDER

Henry S. Davis, Ph.D., Vice Chair called the meeting to order at 9:45 a.m.

OATH OF OFFICE

Judy Jennings with the Division of Occupations and Professions administered the Oath of Office to Andrew A. Meyer, Ph.D. and John Runyon, M.S., newly appointed Board members.

MINUTES

The minutes of the October 4, 2004 meeting were called to the attention of the members. A motion was made by Mr. Applegate to approve the minutes, as presented. Motion, seconded by Dr. Sobel, carried.

FINANCIAL STATEMENT

The Board reviewed the financial statement indicating a balance of \$154,149.26 as of October 31, 2004. A motion was made by Dr. Jefferson to accept the financial statement. Motion, seconded by Dr. Sobel, carried.

DIRECTOR'S REPORT

Mr. Parrish presented a memorandum written to the Board by Mark Brengelman regarding a Complaint for Injunctive Relief that was previously filed by the Kentucky Board of Examiners of Psychology against a Professional Equivalent under 907 KAR 1:372 of the Medicaid regulations for allegedly violating KRS 319, the psychology practice act. That matter had been litigated to the Kentucky Court of Appeals resulting in a ruling unfavorable to the Board in *Kentucky Board of Examiners of Psychology v. Funk et. al.* Mr. Parrish stated that the Kentucky Board of Social Work had recently been informed of the same issue involving possible violations of KRS 335, the social work practice act, involving a Professional Equivalent and asked on behalf of the Social Work Board if this Board would be in favor of working with the Kentucky Board of Social Work in supporting legislation to change the current professional equivalent law. A motion was made by Mr. Applegate to join the Kentucky Board of Social Work to support a change in the Professional Equivalency law as authorized by applicable Medicaid laws. Motion, seconded by Mr. Runyon, carried, with Dr. Jefferson voting in the negative.

COMPLAINTS

Case 04-19 - The Board reviewed an investigative report upon summary by the Complaint Screening

Committee with the assistance of counsel. A motion was made by Dr. Sobel to issue a letter of admonishment in this matter. Motion, seconded by Dr. Jefferson, carried. Dr. Davis and Mr. Applegate recused from voting on the motion.

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Case 04-25 - The Board reviewed an initiating complaint and a response from a psychologist upon summary by the Complaints Screening Committee with the assistance of counsel. A motion was made by Dr. Sobel to dismiss the complaint for lack of evidence to support a violation of the law and regulations. Motion, seconded by Dr. Meyer, carried. Dr. Davis and Mr. Applegate recused from voting on the motion.

COMMITTEE REPORTS

CONTINUING EDUCATION COMMITTEE

No report.

EXAMINATION COMMITTEE

No report.

SUPERVISION COMMITTEE

No Report

CREDENTIALS REVIEW COMMITTEE

Dr. Sobel presented for the Board's review, correspondence from Gregory T. Smith, Ph.D. regarding supervision of a postdoctoral candidate. The Board requested that Dr. Sobel draft correspondence to Dr. Smith notifying him that it would be acceptable for David Susman, Ph.D. to provide supervision to this postdoctoral candidate at his departmental clinical at the University of Kentucky.

DISCIPLINED PSYCHOLOGISTS REPORT

Correspondence was reviewed by the Board from David Koger, M.S., previously sanctioned psychologist, requesting to begin the application process for licensure after revocation or suspension. A motion was made by Mr. Runyon to advise Mr. Koger that he must apply for reinstatement as stated in KRS 319.082(4).

Motion, seconded by Dr. Meyer, carried. Dr. Davis agreed to draft correspondence for the Board in this matter.

Harvey Walton, Ph.D., previously sanctioned psychologist, is requesting to begin the application process for licensure after revocation or suspension. A motion was made by Mr. Runyon to advise Dr. Walton that he must apply for reinstatement as stated in KRS 319.082(4). Motion, seconded by Dr. Meyer, carried. Dr. Davis agreed to draft correspondence for the Board in this matter.

Mr. Applegate informed the Board that Donna Nichols Rogers, Psy.D. was again asking for an additional eight-week suspension of supervision. A motion was made by Dr. Sobel to correspond with Dr. Nichols, notifying her that suspension of her supervision has been extended indefinitely and that she should notify the Board in writing at such time when she intends to begin practice. At such time, the Board will reinstate the supervision of her practice of psychology as previously ordered. Motion, seconded by Dr. Jefferson, carried. Mr. Applegate, Case Manager in this matter agreed to draft correspondence for the Board.

EXPIRED LICENSURE/CERTIFICATE REPORT

The Board reviewed a list of licensed psychologists/certified psychologists whose license/certificates had expired and had not been renewed within the ninety (90) day grace period. A motion was made by Dr. Sobel to send a "certified letter" to each individual notifying them that their license/certificate was being cancelled and that in order to be reinstated they would need to submit the appropriate renewal fee plus a penalty fee of \$100. Motion, seconded by Mr. Runyon, carried.

OLD BUSINESS

The Board reviewed the draft Code of Ethics Statement of Agreement. A motion was made by Dr. Jefferson to accept the agreement after changing the amount for acceptable gifts from \$25.00 to \$100.00 and

making the document gender neutral. Motion, seconded by Dr. Sobel, carried

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The Board reviewed the draft document prepared by ASPPB, *Criteria for Approval of an ASPPB/National Register Designated Postdoctoral Program in Clinical Psychopharmacology*. A motion was made by Dr. Sobel to support this effort by ASPPB. Motion, seconded by Dr. Meyer. Dr. Davis agreed to draft a letter of support for the psychopharmacology postdoctoral program.

NEW BUSINESS

Dr. Davis gave a report from the ASPPB Board of Directors meeting held October 20 - 23, 2004 in Atlanta Georgia. He informed the Board that ASPPB is looking to accept licensees for CPQ without taking an oral examination in their respective state. He also stated that ASPPB in conjunction with Professional Examination Service(PES) is conducting a feasibility study regarding the possible development of an on-line application tool for the EPPP program. The Board has been asked to participate in this study and materials will be included in the Board agenda packets for discussion at the December 6, 2004 Board meeting.

Correspondence as reviewed from Michael E. Samuels with the University of Kentucky, College of Medicine, informing the Board that the University of Kentucky Office of Health Research and Development had received a \$75,565 grant from the Foundation for a Healthy Kentucky to establish a Kentucky health data council. The Board requested that Dr. Davis contact Nancy Gordon Moore, Ph.D., Executive Director with the Kentucky Psychological Association to see if it would be more appropriate for KPA or the Board to participate in this project. Dr. Davis stated that he would provide information to the Board at the next meeting to be held on December 6, 2004.

Correspondence was reviewed and noted from Michael G. Borack, Psy.D., regarding the Board's submission of an Adverse Action Report to the National Practitioner Data Bank. Board staff noted that appropriate action in response to the letter had already been taken.

Correspondence was reviewed from William E. Stilwell, III, Ph.D. regarding his inquiry to 500 level courses that are open to both graduate and advanced undergraduate students. The Board requested that Dr. Sobel draft correspondence for the Board informing Dr. Stilwell that as long as the University of Kentucky and its graduate school accept the courses for graduate credit as reflected on a graduate school transcript, the Board would recognize them as graduate level courses under the applicable regulation.

E-mail was reviewed from Sandra Freedman regarding a protocol used by Seven Counties Services. The Board requested that Dr. Davis draft a response stating that the Board saw nothing in that protocol which was in conflict with KRS 319 and the related Administrative Regulations.

The Board reviewed and noted the Executive Order signed by Governor Fletcher appointing John C. Runyon, M.S. and Andrew A. Meyer, Ph.D. as Board members.

Dr. Davis asked Board members to think about their choice for Committee assignments for the upcoming calendar year for discussion at the meeting to be held on December 6, 2004.

A motion was made by Mr. Applegate to approve payment of travel expenses and per diem compensation for eligible members in attendance at today's meeting. Motion, seconded by Dr. Jefferson carried.

The next scheduled Board meeting is to be held on Monday, December 6, 2004, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky.

The meeting adjourned at 12:00 noon.

Approved